

**ASSEMBLY BILL**

**No. 301**

---

**Introduced by Assembly Member Wagner**

February 12, 2013

---

An act to add Section 205.5 to the Code of Civil Procedure, relating to juries.

LEGISLATIVE COUNSEL'S DIGEST

AB 301, as introduced, Wagner. Juries: prospective jurors: false information.

Existing law requires the jury commissioner or the court to inquire as to the qualifications of persons who are or may be summoned for jury service. Existing law authorizes a jury commissioner to require a person to complete a questionnaire to be used solely for qualifying prospective jurors. Existing law only allows the questionnaire to ask questions relative to juror identification, qualification, and ability to serve as a prospective juror. Under existing law, persons who are not citizens of the United States are not eligible and qualified to be prospective jurors.

This bill would require the jury commissioner to compare the questionnaires completed pursuant to the above provisions with the list of registered voters to determine whether any person has falsely indicated that he or she is not a citizen of the United States. The bill would allow any person who falsely identifies himself or herself on the questionnaire as not being a citizen of the United States to be attached and compelled to appear before the court. Following an order to show cause, this bill would allow the court to find the prospective juror in contempt of court, punishable by a fine, incarceration, or both, as provided. Because contempt of court is punishable as a misdemeanor,

this bill would create a new crime and would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 205.5 is added to the Code of Civil  
2 Procedure, to read:

3 205.5. (a) The jury commissioner shall compare the  
4 questionnaires completed pursuant to subdivision (a) of Section  
5 205 for the purpose of qualifying prospective jurors with the list  
6 of registered voters to determine whether any person has falsely  
7 indicated he or she is not a citizen of the United States.

8 (b) Any person who falsely identifies himself or herself on the  
9 questionnaire as not being a citizen of the United States may be  
10 attached and compelled to appear before the court. Following an  
11 order to show cause hearing, the court may find the prospective  
12 juror in contempt of court, punishable by a fine, incarceration, or  
13 both, as otherwise provided by law.

14 SEC. 2. No reimbursement is required by this act pursuant to  
15 Section 6 of Article XIII B of the California Constitution for certain  
16 costs that may be incurred by a local agency or school district  
17 because, in that regard, this act creates a new crime or infraction,  
18 eliminates a crime or infraction, or changes the penalty for a crime  
19 or infraction, within the meaning of Section 17556 of the  
20 Government Code, or changes the definition of a crime within the  
21 meaning of Section 6 of Article XIII B of the California  
22 Constitution.

23 However, if the Commission on State Mandates determines that  
24 this act contains other costs mandated by the state, reimbursement

1 to local agencies and school districts for those costs shall be made  
2 pursuant to Part 7 (commencing with Section 17500) of Division  
3 4 of Title 2 of the Government Code.

O